

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket SCUPA 2017 IM002

HRSR Ventures, LLC dba The C B
Stop
1358 Appaloosa Road
El Centro, CA 92243

CONSENT ORDER

Health and Safety Code
Section 25187 and 25404.1.1

EPA I.D. No. CAL000339006

Respondent.

1. INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) and The C B Stop (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent operates a gas station, dispensing gasoline and diesel fuel at the following site: 1498 Cole Boulevard, Calexico, CA, 92231 (Site).

1.3. Inspection. The Department inspected the Site on December 15, 2016.

1.4. Authorization Status. Respondent has a permit to operate Underground Storage Tanks as well as a certificate to manage hazardous materials and hazardous waste at the Site.

1.5. Jurisdiction. Section 25187 and 25404.1.1 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations

alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, Title 23, Division 3, Chapter 16, Article 3, section 2638(a), in that on or about December 15, 2016, Respondent failed to use the correct interstitial sensor at the Double Wall Under-Dispenser Containment (DW UDC). During the Annual Monitoring Certification inspection, Respondent was shown to be using an incorrect interstitial 794380-420 sensor for UDC dispensers 3/4 and 7/8. The 420 sensor is designed for a dry secondary system and detects the presence of liquid in the interstitial space. The correct interstitial sensor is a 793480-304 hydrostatic sensor. The 304 sensor is designed for a wet secondary system and detects the loss of liquid in the interstitial space. Respondent has a wet secondary system. Therefore, the monitoring equipment used was not installed, calibrated, operated, and maintained in accordance with manufacturer's instructions.

2.1.2. Respondent violated California Code of Regulations, Title 23, Division 3, Chapter 16, Article 3, section 2638(a), in that on or about December 15, 2016, Respondent failed to properly program the UST monitoring console. During the Annual

Monitoring Certification, the leak detection sensor 794390-208 located inside UDC 7/8 was submerged in water and did not shut down the turbine pumps. System set up was checked and it was determined the leak detection sensor was incorrectly programed. Review of the electronic monitoring system setup printout showed the sensor was 'normally closed', meaning it was not capable of detecting a release.

2.1.3. Respondent violated California Health and Safety Code, section 25290.1(e), in that on or about December 15, 2016, Respondent failed to maintain monitoring equipment in operating condition. During the Annual Monitoring Certification, the interstitial space of the diesel fill sump was not under continuous pressure as the liquid level dropped in the reservoir and the sensor within the reservoir did not activate an alarm. The sensor is designed to detect the loss of liquid in the reservoir and/or interstitial space. During the inspection, there was no liquid in the reservoir column at the sump and the sensor had not activated the alarm. Inspection of the sensor showed the sensor became stuck by debris, and vigorous shaking removed the debris and the sensor became operational.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. This violation has been corrected to the satisfaction of the Department.

3.1.2. This violation has been corrected to the satisfaction of the Department.

3.1.3. This violation has been corrected to the satisfaction of the Department.

3. 2. Respondent shall make all payments at the time(s) and in accordance with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department a total penalty of \$5,425.00. Of the total due, \$2,500 is a penalty, and the remaining \$2,925 shall be deferred provided Respondent makes all penalty payments on time. The \$2,500 penalty shall be paid to the Department in increments of \$250.00. The first payment shall be made no later than April 15, 2019, and future payments shall be made by the 15th of each following month. Failure to make timely payments will result in the entire amount of the penalty to be immediately due and payable,

minus payments already made.

5.2. Respondent's check(s) for the penalty shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Nancy Villagomez
Hazardous Substances Engineer
DTSC Imperial CUPA
627 Wake Avenue
El Centro, CA 92243

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 04/10/2019

Signature on File _____
Sandra Rodiles
Respondent

Dated: 04/10/2019

Signature on File _____
Robert Krug
Department of Toxic Substances Control